U.S. Department of the Interior
Bureau of Land Management
Little Snake Field Office
455 Emerson Street
Craig, CO 81625-1129

ENVIRONMENTAL ASSESSMENT

EA-NUMBER: DOI-BLM-CO-N010-2009-0112-EA

CASEFILE/PROJECT NUMBER/LEASE NUMBER: COC73969

PROJECT NAME: Yampa Valley Electric Midpoint Site Power Line

LEGAL DESCRIPTION: T.10N., R.94W., Section 24, NE¼NW¼, W½NW¼; T.10N., R.93W.,
Section 19, SE¼, 6th P.M., Moffat County, Colorado

APPLICANT: Yampa Valley Electric Association (YVEA)

PLAN CONFORMANCE REVIEW: The proposed action is subject to the following plan:

Name of Plans: Little Snake Resource Management Plan and Record of Decision (ROD)

Date(s) Approved: April 26, 1989

Remarks: The proposed power line would be located within Management Unit #2, Northern Central, (Little Snake Resource Management Plan). The objectives of Management Unit #2 are for the development of oil and gas resources. Realty actions such as rights-of-way can occur consistent with the management objectives for this unit.

Results: The proposed action has been reviewed for conformance with this plan (43 CFR 1610.5, BLM 1617.3). The proposed action is in conformance with the objectives for this management unit.

NEED FOR PROPOSED ACTION: The purpose of the proposed power distribution line is to provide power to the Overland Pass Pipeline Midpoint Valve Station.

PUBLIC SCOPING PROCESS: The NEPA log is posted on the Little Snake Field Office web site before the grant is issued to the applicant.

DESCRIPTION OF PROPOSED ACTION AND ALTERNATIVES: The proposed action is to issue a right-of-way (ROW) grant to Yampa Valley Electric Association (YVEA) for construction, operation, maintenance and termination of a single phase 7.2-kV power distribution

line on public land to provide power to the Overland Pass Pipeline Midpoint Valve Site. The proposed line would tie into an existing power pole located in the SE¼ of section 19, T.10N., R.93W., and continue northwesterly along Moffat County Road 7 to the Midpoint Valve Site located in the N½ of section 15, T.10N., R.94W. All staging areas would be on private land. No new roads would be constructed.

The estimated length of the route is approximately 3.83 miles of which approximately 3,750 feet would cross public land. YVEA has requested a 60' wide right-of-way for construction then reverting to a 30' wide permanent width upon completion of reclamation consisting of 2.6 acres. There would be 4 new single pole structures with anchors on public land. The typical span length between structures would range between 250 to 350 feet.

The equipment to be used would be a digger truck, basic utility trucks, and a pole hauling truck/trailer. A total of 7 vehicles and 8 people would be required for the project.

The approximate date work would start is fall 2009 and the estimated duration of construction is 30 days.

NO ACTION ALTERNATIVE: The right-of-way would not be issued and the power line would not be constructed. As the licensed Electric Cooperative in this service territory, it is YVEA's legal obligation to provide power to consumers when requested. There is only one source of electric power in the area and the termination point is the valve site. No other routes exist. Therefore, this alternative is eliminated from detailed study.

AFFECTED ENVIRONMENT/ENVIRONMENTAL CONSEQUENCES/MITIGATION MEASURES

CRITICAL RESOURCES

AIR QUALITY

Affected Environment: There are no special designation air sheds or non-attainment areas nearby that would be affected by the proposed action.

Environmental Consequences: Short term, local impacts to air quality resulting from diesel engine exhaust and dust from surface disturbing operations would result from construction of the power line. The emissions from these activities consist of both gaseous and particulate fractions. Gaseous constituents from diesel engine exhaust include carbon dioxide, carbon monoxide, nitric oxide, nitric dioxide, oxides of sulfur and hydrocarbons. Fine particulates of soot from diesel exhaust and fugitive dust from operations would be localized to the project area. The health effects of these emissions are largely from long-term and occupational exposure in confined areas. The proposed action would not adversely affect the regional air quality.

Mitigative Measures: None

Name of specialist and date: Louise McMinn 09/23/2009

AREA OF CRITICAL ENVIRONMENTAL CONCERN

Affected Environment: Not present.

Environmental Consequences: Not applicable.

Mitigative Measures: Not applicable.

Name of specialist and date: Kimberly Miller 9/30/09

CULTURAL RESOURCES

Affected Environment: Cultural resources, in this region of Colorado, range from late Paleo-Indian to Historic. For a general understanding of the cultural resources in this area of Colorado, see *An Overview of Prehistoric Cultural Resources, Little Snake Resource Area, Northwestern Colorado*, Bureau of Land Management Colorado, Cultural Resources Series, Number 20, *An Isolated Empire, A History of Northwestern Colorado,* Bureau of Land Management Colorado, Cultural Resource Series, Number 2 and *Colorado Prehistory: A Context for the Northern Colorado River Basin*, Colorado Council of Professional Archaeologists.

Environmental Consequences: The proposed project, Yampa Valley Electric Right of Way in T10N R94W Sec. 15, 14, has undergone a Class III cultural resource survey:

Mueller, Jenn and Summer Moore
2009 Addendum 1 to Class III Cultural Resource Inventory of the Planned Piceance Lateral Pipeline Rio Blanco and Moffat Counties, Colorado, and Sweetwater and Carbon Counties, Wyoming (83.2.08) Appendix A-9 and A-10

The survey identified no eligible to the National Register of Historic Places cultural resources. The proposed project may proceed as described with the following mitigative measures in place.

Mitigative Measures: The following standard stipulations apply for this project:

1. The operator is responsible for informing all persons who are associated with the operations that they will be subject to prosecution for knowingly disturbing historic or archaeological sites, or for collecting artifacts. If historic or archaeological materials are encountered or uncovered during any project activities, the operator is to immediately stop activities in the immediate vicinity of the find and immediately contact the authorized officer (AO) at (970) 826-5000. Within five working days, the AO will inform the operator as to:

- Whether the materials appear eligible for the National Register of Historic Places;

- The mitigation measures the operator will likely have to undertake before the identified area can be used for project activities again; and
- Pursuant to 43 CFR 10.4(g) (Federal Register Notice, Monday, December 4, 1995, Vol. 60, No. 232) the holder of this authorization must notify the AO, by telephone at (970) 826-5000, and with written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony. Further, pursuant to 43 CFR 10.4(c) and (d), you must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the authorized officer.

2. If the operator wishes, at any time, to relocate activities to avoid the expense of mitigation and/or the delays associated with this process, the AO will assume responsibility for whatever recordation and stabilization of the exposed materials may be required. Otherwise, the operator will be responsible for mitigation costs. The AO will provide technical and procedural guidelines for the conduct of mitigation. Upon verification from the AO that the required mitigation has been completed, the operator will then be allowed to resume construction.

Name of specialist and date: Robyn Watkins Morris 09/30/09

ENVIRONMENTAL JUSTICE

Affected Environment: The proposed action is located in an area of isolated dwellings. Oil & Gas development and ranching are the primary economic activities.

Environmental Consequences, both alternatives: The project area is relatively isolated from population centers, so no populations would be affected by physical or socioeconomic impacts of either alternative. Neither alternative would directly affect the social, cultural or economic well-being and health of Native American, minority or low-income populations.

Mitigative Measures: None

Name of specialist and date: Louise McMinn 09/18/09

FLOOD PLAINS

Affected Environment: The proposed action is not within a floodplain.

Environmental Consequences: None

Mitigative Measures: None

Name of specialist and date: Christina Rhyne 09/28/09

INVASIVE, NONNATIVE SPECIES

Affected Environment: Invasive species and noxious weeds occur within the affected area. Downy brome (cheatgrass), yellow alyssum, blue mustard and other annual weeds are common along roadsides and on other disturbed areas. Invasive annual weeds are typically established on disturbed and high traffic areas. Biennial and perennial noxious weeds are less common in occurrence, but will invade intact native plant communities. Cheatgrass is on the Colorado List C of noxious weeds. Colorado List B noxious weeds that are present in the area include Canada thistle, musk thistle, and bull thistle. Other species of noxious weeds are not known to be a problem in this area, but they can always be introduced by vehicle traffic, livestock and wildlife. The BLM, Moffat County, livestock operators, pipeline companies and oil and gas operators have formed the Northwest Colorado Weed Partnership to collaborate their efforts on controlling weeds and finding the best integrated approaches to achieve these results.

Environmental Consequences: The surface disturbing activities involved with the power line project would create a favorable environment for invasive species and noxious weeds to become established. Construction equipment and any other vehicles and equipment brought onto the site can introduce weed species. Wind, recreation vehicles, livestock and wildlife would be the primary vectors for weed dispersal. The annual invasive weed species (yellow alyssum, blue mustard and other annual weeds) occur on adjacent rangelands and would occupy the disturbed areas; the bare soils and the lack of competition from a perennial plant community would allow these weed species to grow unchecked. Seeding the disturbed area followed by successful establishment of perennial grass species would help reduce the amount of annual weeds and seed produced. Since vegetation and weed growth would be limited, any establishment of biennial and perennial noxious weeds that occurs should be easily detected.

Once the power line construction is complete, reclamation activities would commence. Soil and climate characteristics would favor early growing plants like Sandberg bluegrass and the annual invasive weed species, including cheatgrass. Growth of invasive annuals can reduce the success of seeding efforts. Under optimal conditions the establishment of adapted perennial grasses, other seeded plant materials and native colonizers is expected to provide the necessary control of invasive annual weeds within 2 or 3 years. Depressed areas remaining after final recontouring would increase site conditions that would be more favorable for the establishment of biennial and perennial noxious weeds. Additional seeding treatments of the disturbed areas and readjustment of the seed mixture may be required in subsequent years if initial seeding efforts have failed. Yampa Valley Electric will be required to control any noxious weeds that become established within the disturbed areas. All principles of Integrated Pest Management should be employed to control noxious weeds on public lands.

Mitigative Measures: None

Name of specialist and date: Louise McMinn 09/23/09

MIGRATORY BIRDS

Affected Environment: The proposed project area is within habitat used by Brewer's sparrow, sage sparrow and golden eagles. All three species are listed on the USFWS 2008 Birds of Conservation Concern List.

Environmental Consequences: The proposed action is not likely to have any impact on any of these three species populations. Brewer's sparrow and sage sparrow might be preyed upon by raptor species using the power line as hunting perches. Golden eagles are likely to use this power line as a hunting perch. There is potential for golden eagles to be electrocuted while using the power line. Over the life of the power line, chance of take of golden eagles is high. In order to reduce the chance of electrocution to golden eagles and other raptors, power line construction should follow guidelines set forth for single phase power lines in " Suggested Practices for Avian Protection on Power Lines: State of the Art in 2006" . A copy of this report is available in the Little Snake Field Office.

Mitigative Measures: In order to reduce the chance of electrocution to golden eagles and other raptors, power line construction should follow guidelines set forth for single phase power lines in "Suggested Practices for Avian Protection on Power Lines: State of the Art in 2006." A copy of this report is available in the Little Snake Field Office.

Name of specialist and date: Timothy Novotny 9/30/09

NATIVE AMERICAN RELIGIOUS CONCERNS

A letter was sent to the Eastern Shoshone, Uinta and Ouray Tribal Council, Southern Ute Tribal Council, Ute Mountain Ute Tribal Council on May 26, 2009. The letter listed the FY2010 projects that the BLM would notify them on and projects that would not require notification. A follow-up phone call was performed on July 26, 2009. No comments were received (Letter on file at the Little Snake Field Office). This project requires no additional notification.

Name of specialist and date: Robyn Watkins Morris 09/30/09

PRIME & UNIQUE FARMLANDS

Affected Environment: There are no prime & unique farmlands located within or in the vicinity of the proposed action.

Environmental Consequences: None

Mitigative Measures: None

Name of specialist and date: Louise McMinn 09/23/09

T&E SPECIES – ANIMALS

Affected Environment: There are no threatened or endangered species or habitats for such species within the proposed project area. The project area does provide nesting habitat for greater sage-grouse, a BLM special status species.

Environmental Consequences: There would be no impact to threatened or endangered species or their habitats as a result of the Proposed Action. The installation of the proposed power line would result in the loss of less than 1 acre of habitat (total) at the drilling site for the four power line poles. The instillation of these poles and the placement of the power line would displace any sage-grouse from the project area. If the installation is conducted during the fall as planned, impacts to sage-grouse would be minimal. If conducted during the nesting season (March 1 – June 30) impacts to sage-grouse would be more severe and could result in nest destruction or abandonment. The new power line is likely to provide perch sites for raptors. Raptors such as golden eagles and red-tailed hawks are known to prey upon greater sage-grouse. The power line would degrade sage-grouse habitat for the life of the power line due to increased potential for predation by raptors.

Mitigative Measures: No surface disturbing activities between March 1 and June 30 in order to protect nesting greater sage-grouse.

Name of specialist and date: Timothy Novotny 9/30/09

T&E SPECIES – PLANTS

Affected Environment: There are no federally listed threatened or endangered plant species within or in the vicinity of the proposed action.

Environmental Consequences, all alternatives: None

Mitigative Measures: None

Name of specialist and date: Hunter Seim 9/22/09

T&E SPECIES - SENSITIVE PLANTS

Affected Environment: There are no BLM sensitive plant species within or in the vicinity of the proposed action.

Environmental Consequences, all alternatives: None

Mitigative Measures: None

Name of specialist and date: Hunter Seim 9/22/09

WASTES, HAZARDOUS OR SOLID

Affected Environment: If a release should occur, the environment affected would be dependent on the nature and volume of material released. If there are no releases, there would be no impact on the environment.

Environmental Consequences: Consequences would be dependent on the volume and nature of the material released. In most every situation involving hazardous materials, there are ways to remediate the area that has been contaminated. Short-term consequences would occur, but they can be remedied, and long-term impacts would be minimal.

Mitigative Measures: None

Name of specialist and date: Louise McMinn 09/23/09

WATER QUALITY - GROUND

Affected Environment: The surface formation is the Cathedral Bluffs Tongue of the Wasatch formation covered by Quaternary alluvium.

Environmental Consequences, all alternatives: No surface activity is proposed that would change any subsurface groundwater chemistry.

Mitigative Measures: None

Name of specialist and date: Marty O'Mara 9/24/09

WATER QUALITY - SURFACE

Affected Environment: The project area is located near Great Divide, CO. Runoff water from the affected area would drain towards Big Hole Gulch, an intermittent tributary of the Little Snake River. This segment of the Little Snake River must have water quality sufficient to support Aquatic Life Cold 1, Recreation 1a, Water Supply and Agriculture. All stream segments within the affected environment are presently supporting their classified uses. No impaired stream segments occur in the vicinity of the proposed action.

Environmental Consequences: Very minimal and short term disturbance would be caused by construction of the power line. Increased sediments and nutrients would be carried from the area due to the initial surface disturbance and soil compaction. The adjacent soils on the uplands and within the drainages have moderate permeability and medium runoff rates. The adjacent soils and plant communities are capable of absorbing runoff waters from most precipitation events, reducing the transport of sediments and nutrients to Big Gulch. Existing improved roads in the project area have been surveyed and designed appropriately to adequately handle the surface water drainage that would be intercepted and channeled down road ditches. Increased sedimentation to the Little Snake River during spring runoff or from high intensity

summer/fall rainstorms would be the greatest potential impact to water quality. Although some sediment may be transported off site and eventually reach perennial waters, mitigation provided in the Plan of Development for the proposed action and the grant stipulations will reduce the potential to have excessive sediments and salts in runoff water from the site.

Mitigative Measures: None

Name of specialist and date: Louise McMinn 09/24/09

WETLANDS/RIPARIAN ZONES

Affected Environment: The proposed action is not within a wetland or riparian zone.

Environmental Consequences: None

Mitigative Measures: None

Name of specialist and date: Christina Rhyne 09/28/09

WILD & SCENIC RIVERS

Affected Environment: Not present.

Environmental Consequences: Not applicable.

Mitigative Measures: Not applicable.

Name of specialist and date: Kimberly Miller 9/30/09

WILDERNESS, WSAs

Affected Environment: Not present.

Environmental Consequences: Not applicable.

Mitigative Measures: Not applicable.

Name of specialist and date: Kimberly Miller 9/30/09

NON-CRITICAL ELEMENTS

PALEONTOLOGY

Affected Environment: Paleontological resources are comprised of the Cathedral Bluffs Tongue (Twc) of the Wasatch formation covered by Quaternary alluvium. This is a Potential

Fossil Yield Classification (PFYC) IIIb formation for the potential for occurrence of scientifically significant fossils.

Environmental Consequences: *PYFC: Class 3b* – Unknown Potential**.** Units exhibit geologic features and preservational conditions that suggest significant fossils could be present, but little information about the paleontological resources of the unit or the area is known. This may indicate the unit or area is poorly studied, and field surveys may uncover significant finds. It is the intent that the units in this Class will eventually be placed in another Class when sufficient survey and research is performed. The unknown potential of the units in this Class should be carefully considered when developing any mitigation or management approaches.

(1) Management concern for paleontological resources is moderate; or cannot be determined from existing data.

(2) Surface-disturbing activities may require field assessment to determine appropriate course of action.

Mitigative Measures: Unusual occurrences of plant and invertebrate fossils should be recorded, and representative examples may be collected if appropriate. Concentrations of common plant or invertebrate fossils that may be suitable for public hobby collection areas should also be noted and reported to the Field Office paleontology program coordinator or paleontology program lead. Additional mitigation measures may be appropriate in some cases for these types of localities.

Name of specialist and date: Marty O'Mara, September 24, 2009

SOILS

Affected Environment: The primary soils within the proposed project area are the Maysprings coarse sandy loam, 3 to 12 percent slopes and the Maysprings-Gretdivid loamy coarse sands, 10 to 20 percent slopes. These soils formed from alluvium and residuum derived from sandstone. All of the slopes exhibit moderate permeability and medium runoff rates. The erosion hazard after moderate disturbance is slight, increasing to moderate on the steeper slopes.

Environmental Consequences: The project would cause minor soil and vegetation disturbance that would recover quickly. After the initial disturbance, these areas would be more susceptible to wind and water erosion but would decrease in time as a result of stabilization through compaction, reclamation and revegetation of disturbed areas. Soil erosion would be reduced to an acceptable level with the mitigation measures in the Plan of Development and grant stipulations.

Mitigative Measures: None

Name of specialist and date: Louise McMinn 09/24/09

VEGETATION

Affected Environment: The landscape adjacent to the proposed action is dominated by sagebrush-grass plant communities. Dominant plants present include Wyoming big sagebrush (*Artemesia tridentata wyomingensis*), basin big sagebrush (*A. tridentata tridentata*), Hood's phlox (*Phlox hoodii*), needle-and-thread grass (*Stipa comata*), Indian ricegrass (*Oryzopsis hymenoides*), western wheatgrass (*Agropyron smithii*), squirreltail (*Sitanion hystrix*), prairie junegrass (*Koeleria pyramidata*), and blue grama (*Bouteloua gracilis*). Within a half mile of this location the Mayberry Fire burned in 2008. The site of the proposed action adjacent to the roadway is part of the Big Hole Gulch grazing allotment #04524.

Environmental Consequences: The proposed action would have little to no affect on the vegetation resource. Temporary disturbance of the site would recover quickly and vegetation disturbance would be minimal.

Mitigative Measures: None

Name of specialist and date: Christina Rhyne 9/29/2009

WILDLIFE, AQUATIC

Affected Environment: There is no aquatic wildlife habitat present within the proposed project area.

Environmental Consequences: None

Mitigative Measures: None

Name of specialist and date: Timothy Novotny 9/30/09

WILDLIFE, TERRESTRIAL

Affected Environment: The proposed project area provides year round habitat for mule deer, pronghorn antelope and elk in all but the most severe winters. This area does not provide critical winter habitat for any of these species. The project area also provides habitat for a variety of small mammals, song birds and reptiles.

Environmental Consequences: The installation of the proposed power line would displace wildlife from the project area during the installation process. Most wildlife would return to the project area once installation is complete. Once installed, the power line is not likely to impact big game animals. Some small mammals, birds and reptiles might be impacted due to increased predation potential associated with raptors use of the power line. This would be a slight negative impact to individual animals. No species populations would be impacted as a result of this proposed action. The power line could result in slight increased mortality to raptors due to electrocution.

Mitigative Measures: None

Name of specialist and date: Timothy Novotny 9/30/09

OTHER NON-CRITICAL ELEMENTS: For the following elements, those brought forward for analysis will be formatted as shown above.

Non-Critical Element	NA or Not Present	Applicable or Present, No Impact	Applicable & Present and Brought Forward for Analysis
Fluid Minerals		EMO 9/24/09	
Forest Management	LM 09/23/09		
Hydrology/Ground			See Ground Water
Hydrology/Surface			See Surface Water
Paleontology			See Paleontology
Range Management		JHS 9/30/09	
Realty Authorizations		LM 09/18/09	
Recreation/Travel Mgmt		KMM 9/30/09	
Socio-Economics		LM 09/18/09	
Solid Minerals		JAM 09/21/09	
Visual Resources		KMM 9/30/09	
Wild Horse & Burro Mgmt	KLM 09/28/09		

CUMULATIVE IMPACTS SUMMARY: Cumulative impacts may result from the development of the power line and routine maintenance when added to non-project impacts that result from past, present, and reasonably foreseeable future actions. Other past or existing actions near the project area that have influence on the landscape are wildfire, recreation, hunting, grazing, mining, and ranching activities.

Surface disturbance associated with the project has the potential for an increase of erosion and sedimentation. Only a small reduction in forage would be anticipated. Some wildlife species may be temporarily displaced by construction, but should return upon completion of the project. Contrasts in line, form, color, and texture from the project would impact the visual qualities on the landscape.

STANDARDS:

PLANT AND ANIMAL COMMUNITY (animal) STANDARD:

The proposed project area currently provides healthy productive habitat that is capable of supporting diverse wildlife populations. Installation of the power line would displace wildlife from the project area while construction activities are occurring. Once completed, most wildlife

would return to the project area. The power line may result in electrocution of some raptors using the power line as hunting perches. This would be a negative impact likely to result in individual mortality. It is unlikely that this would affect any species populations. Raptors that use the power line fur hunting perches, may also impact small mammals, song birds and reptiles through increased mortality. This would be a negative impact to individuals but is unlikely to affect any species populations. The project area is currently meeting this standard. As mitigated, this standard would continue to be met in the future.

Name of specialist and date: Timothy Novotny 9/30/09

SPECIAL STATUS, THREATENED AND ENDANGERED SPECIES (animal) STANDARD:

There are no threatened or endangered species or habitats for such species in the proposed project area. This area does provide nesting habitat for greater sage-grouse, a BLM special status species. Potential impacts to nesting sage-grouse include but are not limited to nest abandonment and nest destruction, increased mortality due to increased predation by raptors. Avoiding construction and installation of the power line during the nesting season (March 1 – June 30) would help prevent nest destruction. Nest abandonment and increased predation would remain as potential negative impacts to sage-grouse for the life of the power line. This standard is currently being met and would continue to be met in the future under both the Proposed Action and the No Action Alternative.

Name of specialist and date: Timothy Novotny 9/30/09

PLANT AND ANIMAL COMMUNITY (plant) STANDARD: This standard is currently being met. Vegetation within the area is productive and vigorous. Perennial vegetation is adequate to provide resilience from human activities. The proposed action and no action alternative would both continue to meet this standard.

Name of specialist and date: Christina Rhyne 9/29/2009

SPECIAL STATUS, THREATENED AND ENDANGERED SPECIES (plant) STANDARD: There are no federally listed threatened or endangered or BLM sensitive plant species within or in the vicinity of the proposed action. This standard does not apply.

Name of specialist and date: Hunter Seim 9/22/09

RIPARIAN SYSTEMS STANDARD: There are no riparian systems within the area of the proposed action. This standard does not apply.

Name of specialist and date: Christina Rhyne 9/29/2009

WATER QUALITY STANDARD: The proposed action would meet the public land health standard for water quality. Reclamation of the power line would be completed immediately after

installation. Runoff waters from snowmelt and rain flows into the Little Snake River which is presently supporting classified uses. No stream segments near this project are listed as impaired.

Name of specialist and date: Louise McMinn 09/24/09

UPLAND SOILS STANDARD: The proposed action would not meet the upland soil standard for land health, but is not expected to during construction of the project. Several Best Management Practices have been designed into the project or are attached as mitigating measures that would reduce impacts to and conserve soil materials. Upland soil health would return to the power line project area after reclamation practices have been successfully achieved.

Name of specialist and date: Louise McMinn 09/30/09

PERSONS/AGENCIES CONSULTED: Uintah and Ouray Tribal Council, Colorado Native American Commission, Colorado State Historic Preservation Office.

FINDING OF NO SIGNIFICANT IMPACT (FONSI)
DOI BLM CO N010 2009 0112 EA

Based on the analysis of potential environmental impacts contained in the EA and all other available information, I have determined that the proposal and the alternatives analyzed do not constitute a major Federal action that would adversely impact the quality of the human environment. Therefore, an EIS is unnecessary and will not be prepared. This determination is based on the following factors:

1. Beneficial, adverse, direct, indirect, and cumulative environmental impacts have been disclosed in the EA. Analysis indicated no significant impacts on society as a whole, the affected region, the affected interests or the locality. The physical and biological effects are limited to the Little Snake Resource Area and adjacent land.

2. Public health and safety would not be adversely impacted. There are no known or anticipated concerns with project waste or hazardous materials.

3. There would be no adverse impacts to regional or local air quality, prime or unique farmlands, known paleontological resources on public land within the area, wetlands, floodplain, areas with unique characteristics, ecologically critical areas or designated Areas of Critical Environmental Concern.

4. There are no highly controversial effects on the environment.

5. There are no effects that are highly uncertain or involve unique or unknown risk. Sufficient information on risk is available based on information in the EA and other past actions of a similar nature.

6. This alternative does not set a precedent for other actions that may be implemented in the future to meet the goals and objectives of adopted Federal, State or local natural resource related plans, policies or programs.

7. No cumulative impacts related to other actions that would have a significant adverse impact were identified or are anticipated.

8. Based on previous and ongoing cultural surveys and through mitigation by avoidance, no adverse impacts to cultural resources were identified or anticipated. There are no known American Indian religious concerns or persons or groups who might be disproportionately and adversely affected as anticipated by the Environmental Justice Policy.

9. No adverse impacts to any threatened or endangered species or their habitat that was determined to be critical under the Endangered Species Act were identified. If, at a future time, there could be the potential for adverse impacts, treatments would be modified or mitigated not to have an adverse effect or new analysis would be conducted.

10. This alternative is in compliance with relevant Federal, State, and local laws, regulations, and requirements for the protection of the environment.

DECISION AND RATIONALE: I have determined that authorization of the power distribution line is in conformance with the approved land use plan. It is my decision to issue the ROW with mitigation measures to Yampa Valley Electric.

It is the policy of the Bureau of Land Management to grant land use authorizations to occupy and use public land where such is consistent with resource values; the Bureau's planning system and local government concerns. To this effect, no conflicts were found; the action does not result in any undue or unnecessary environmental degradation. The action is consistent with the Little Snake Resource Management Plan. The proposed use, as planned and mitigated, is a suitable use of the land, which will not conflict, with the present or known future use of the area. The action is consistent with Title V of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2776; 43 U.S.C. 1761) and the regulations authorizing use of federal land under 43 CFR 2800.

MITIGATION MEASURES: See Exhibit B, Stipulations.

COMPLIANCE PLAN(S):

Compliance Schedule: Compliance will be conducted during the construction phase and reclamation phase to insure that all terms and conditions specified in the right-of-way grant and stipulations are followed. The power line will be on a five-year compliance schedule after completion of the project.

Monitoring Plan: The power line location will be monitored during the term of the right-of-way for compliance with the grant, stipulations, POD, and pertinent regulations until final abandonment is approved; monitoring will help determine the effectiveness of mitigation and document the need for additional mitigative measures.

Assignment of Responsibility: Responsibility for implementation of the compliance schedule and monitoring plan will be assigned to the Realty staff in the Little Snake Field Office. The primary inspector will be the Realty Specialist.

SIGNATURE OF PREPARER:

DATE SIGNED:

SIGNATURE OF ENVIRONMENTAL REVIEWER:

DATE SIGNED:

SIGNATURE OF AUTHORIZED OFFICIAL:

DATE SIGNED:

Exhibit A Map
Exhibit B Stipulations

Exhibit B

Stipulations
COC73969

1. The holder shall construct, operate, and maintain the facilities, improvements, and structures within the right-of-way in strict conformity with the plan of development which was approved and made part of the grant. Any relocation, development, shall not be initiated without the prior written approval of the authorized officer. A copy of the complete right-of-way grant, including all stipulations and approved construction, operation, and termination, shall be made available on the right-of-way during the construction, operation, and termination to the authorized officer. Noncompliance with the above will be grounds for an immediate temporary suspension of activities if it constitutes a threat to public health and safety or the environment.

2. No construction or routine maintenance activities shall be performed during periods when the soil is too wet to adequately support construction equipment. If such equipment creates ruts in excess of 4 inches deep, the soil shall be deemed too wet to adequately support construction equipment.

3. The operator is responsible for informing all persons who are associated with the operations that they will be subject to prosecution for knowingly disturbing historic or archaeological sites, or for collecting artifacts. If historic or archaeological materials are encountered or uncovered during any project activities, the operator is to immediately stop activities in the immediate vicinity of the find and immediately contact the authorized officer (AO) at (970) 826-5000. Within five working days, the AO will inform the operator as to:

- Whether the materials appear eligible for the National Register of Historic Places;
- The mitigation measures the operator will likely have to undertake before the identified area can be used for project activities again; and
- Pursuant to 43 CFR 10.4(g) (Federal Register Notice, Monday, December 4, 1995, Vol. 60, No. 232) the holder of this authorization must notify the AO, by telephone at (970) 826-5000, and with written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony. Further, pursuant to 43 CFR 10.4(c) and (d), you must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the authorized officer.

If the operator wishes, at any time, to relocate activities to avoid the expense of mitigation and/or the delays associated with this process, the AO will assume responsibility for whatever recordation and stabilization of the exposed materials may be required. Otherwise, the operator will be responsible for mitigation costs. The AO will provide technical and procedural guidelines for the conduct of mitigation. Upon verification from the AO that the required mitigation has been completed, the operator will then be allowed to resume construction.

4. If fossils are discovered during construction or other operations, all activity in the area will cease and the Field Office Manager will be notified immediately. An assessment of significance will be made within an agreed time frame. Operations will resume only upon written notification by the Authorized Officer.

5. The BLM is responsible for informing all persons in the areas who are associated with this project of the requirements for protecting paleontological resources. Paleontological resources found on the public lands are recognized by the BLM as constituting a fragile and nonrenewable scientific record of the history of life on earth, and so represent an important and critical component of America's natural heritage. These resources are afforded protection under 43 CFR 3802 and 3809. Penalties possible for the collection of vertebrate fossils are under 43 CFR 8365.1-5.

6. No surface disturbing activities between March 1 and June 30 in order to protect nesting greater sage-grouse.

7. Power line design should follow suggested practices outlined in "Suggested practices for raptor protection on power lines: State of the Art in 1996" (Avian Power Line Interaction Committee (APLIC). 996)

8. The holder(s) shall comply with all applicable Federal laws and regulations existing or hereafter enacted or promulgated. In any event, the holder(s) shall comply with the Toxic Substances Control Act of 1976, as amended (15 U.S.C. 2601, et seq.) with regard to any toxic substances that are used, generated by or stored on the right-of-way or on facilities authorized under this right-of-way grant. (See 40 CFR, Part 702-799 and especially, provisions on polychlorinated biphenyls, 40 CFR 761.1-761.193.) Additionally, any release of toxic substances (leaks, spills, etc.) in excess of the reportable quantity established by 40 CFR, Part 117 shall be reported as required by the Comprehensive Environmental Response, Compensation and Liability Act of 1980, Section 102b. A copy of any report required or requested by any Federal agency or State government as a result of a reportable release or spill of any toxic substances shall be furnished to the authorized officer concurrent with the filing of the reports to the involved Federal agency or State government.

9. Construction sites shall be maintained in a sanitary condition at all times; waste materials at those sites shall be disposed of promptly at an appropriate waste disposal site. 'Waste' means all discarded matter including, but not limited to, human waste, trash, garbage, refuse, oil drums, petroleum products, ashes, and equipment.

10. The holder shall be responsible for weed control on disturbed areas within the limits of the right-of-way. The holder is responsible for consultation with the authorized officer and/or local authorities for acceptable weed control methods (within limits imposed in the grant stipulations).

11. Use of pesticides shall comply with the applicable Federal and state laws. Pesticides shall be used only in accordance with their registered uses and within limitations imposed by the Secretary of the Interior. Prior to the use of pesticides, the holder shall obtain from the authorized officer written approval of a plan showing the type and quantity of material to be used, pest(s) to be controlled, method of application, location of storage and disposal of containers, and any other information deemed necessary by the authorized officer. The authorized officer prior to such use shall approve emergency use of pesticides in writing.

12. Prior to termination of the right-of-way, the holder shall contact the authorized officer to arrange a pre-termination conference. This conference will be held to review the termination provisions of the grant.

13. RECLAMATION:
The holder is required to use the reclamation practices necessary to reclaim all disturbed areas. Reclamation will ensure surface and subsurface stability, growth of a self-regenerating permanent vegetative cover and compatibility with post land use. The vegetation will be diverse and of the same seasonal growth as adjoining vegetation. Post land use will be determined by the authorized officer but normally will be the same as adjoining uses.

Reclamation practices which must be applied or accomplished are: re-grading to the approximate original contour, effectively controlling noxious weeds, separating, storing and protecting topsoil for redistribution during final abandonment, seeding and controlling erosion. If topsoil is not present, or quantities are insufficient to achieve reclamation goals, a suitable plant growth media will be separated, stored and protected for later use. Reclamation will begin with the salvaging of topsoil and continue until the required standards are met. If use of the disturbed area is for a short time (less than one year), practices which ensure stability will be

used as necessary during the project, and practices needed to achieve final abandonment will commence immediately upon completion of the approved activity use and be completed, with the exception of vegetative establishment, within one year. If use of the area is for longer periods of time (greater than one year), interim reclamation is required on the unused areas. Interim reclamation of the unused areas will begin immediately upon completion of the permanent facility(s) and be completed, with exception of vegetative establishment, within one year. For both short and long term projects vegetative establishment will be monitored annually. If the desired vegetation is not established by the end of the second growing season, cultural practices necessary for establishment will be implemented prior to the beginning of the next growing season. Interim reclamation, unless otherwise approved, will require meeting the same standards as final abandonment with the exception of original contour, which may be only partially achievable.

Annual reports consisting of reclamation practices completed and the effectiveness of the reclamation will be provided to the Little Snake Field Office. The first report will be due in January following initiation of reclamation practices and annually thereafter until final abandonment is approved.

There are numerous reclamation practices and techniques which increase the success rate of reclamation and stabilization. With the exception of those stated above, it is the lessee's prerogative to use those he chooses to accomplish the objective. However, it is recommended that state-of-the-art reclamation, stabilization and management practices be used to achieve the desired objective in a timely and cost-effective manner.

The following definitions and measurements will be used to accomplish and determine if reclamation has been achieved.

- 'permanent vegetative cover' will be accomplished if the basal cover of perennial species, adapted to the area, is at least ninety (90) percent of the basal cover of the undisturbed vegetation of adjoining land or the potential basal cover as defined in the Soil Conservation Service Range Site(s) for the area.

- 'diverse' will be accomplished if at least two (2) perennial genera and three (3) perennial species, adapted to the area, make up the basal cover of the reclaimed area in precipitation zones thirteen (13) inches or less and three (3) perennial genera and four (4) perennial species in precipitation zones greater than thirteen (13) inches. One species will not make up more than fifty (50) percent of the perennial vegetation by basal cover.

- 'self-regenerating' and 'adapted to the area' will be evident if the plant community is in good vigor, there is evidence of successful reproduction and the species are those commonly used and accepted in the area.

- 'surface stability' will be accomplished if soil movement, as measured by deposits around obstacles, depths of truncated areas, and height of pedestalling, is no greater than three tenths (0.3) of an inch and if erosion channels (rills, gullies, etc.) are less than one (1) inch in depth and at intervals greater than ten (10) feet.

If this standard is not met by the end of the second growing season, two alternatives exist depending on the severity of the erosion:

a. If erosion is greater than two (2) times the allowable amount, correctional action would have to be taken by the responsible company at that time.

b. If erosion is less than or equal to two (2) times the allowable amount, and it is determined the erosion occurred during vegetative establishment and the site may become stable, no correctional action would be required at that time. Another check (and measurement) would be performed a year later to determine if

stability standards had been met. If the original measurements have not increased by more than the allowed standard, the standard would be considered met. However, if the increase is greater than the allowed standard, corrective action would be required.

- 'subsurface stability' (mass wasting event) is of concern if disturbance has included excavation over four (4) feet in depth and greater than 10,000 square feet in area on slopes thirty five (35) percent and greater, or on any erosion-prone slope (Danforth Hills, Vermillion Bluffs and badland areas). When these conditions occur, length of liability for reclamation and final abandonment will continue for ten (10) years following recontouring to original contour or for such time that climatic patterns provide two (2) consecutive years in which measurable precipitation totals at least 120 percent of average from October 1 through September 30, as measured by data averaged from nearby regional weather stations.

This stipulation, or portions of it, may be waived by the AO. Such waiver will be documented and justified when not applicable or objectives are accomplished through another method.